



TOWN OF FREEPORT, MAINE

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MEMORANDUM

TO: Freeport Town Council

FROM: Peter Joseph, Town Manager 

DATE: 02/18/21

RE: **Proposed amendments to Ordinance Chapter 4, Personnel Policy Ordinance**

Proposed Amendments Regarding Earned Paid Leave

MRSA Title 26 §637, enacted in 2019, created a mandatory system of Earned Paid Leave (EPL) for all employees in the state, effective January 1, 2021. In a nutshell, EPL must accrue at a rate of one hour per 40 hours worked for all employees statewide, and is usable for sick, personal, or vacation purposes, with certain limitations. The Town of Freeport currently provides both sick and vacation leave in excess of these limits to full time employees, but prior to 01/01/20 did not provide leave to part time employees as a benefit. As required by the law, employees began accruing EPL on 01/01/21. These amendments seek to bring our Personnel Ordinance in line with the requirements of MRSA Title 26 §637.

The proposed ordinance amendments to sections 22 and 23 of the Personnel Policy Ordinance would grant one hour of EPL for each 40 hours worked, as required by state law. For part-time employees, this is a new benefit. For full time employees, we have proposed that this time be transferred from the employee's sick time, which accrues at a rate faster than one hour per 40 hours worked. For full time employees, this would not grant them additional time off, however it would grant them greater flexibility on how they use their time off, as EPL can be used for any purpose, while sick leave can only be used for limited purposes.

There will no additional cost to the Town for full-time employees; however there will be marginal additional costs in terms of leave granted to part-time employees, equivalent to 1/40 of their annual payroll costs. The proposed amendments have been reviewed and approved by the Town Attorney.

Proposed Clerical Amendments

Throughout the ordinance there have been various non-substantive clerical amendments proposed, including gender pronoun corrections, changes made to reflect existing work hours that were not accurately reflected in the Ordinance, renaming of several state holidays, correcting inaccurate cross references, and other clerical amendments required by changes to personnel laws and regulations since the last amendment of this ordinance in 2007.

Management has identified several changes that should be made to Section XV- Non-Discrimination Policy and Section XVI – Sexual Harassment Policy in order to make these ordinance sections comply with existing administrative policy. However we are not proposing these changes at this time, as the Social and Racial Equity Committee will be reviewing these policies in the immediate future and may have additional recommendations that we will want to incorporate into our proposed amendments.

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Amended July 1, 2007

CHAPTER 4 FREEPORT PERSONNEL CODE

TABLE OF CONTENTS

	SECTION
I	INTRODUCTION
II	RESPONSIBILITY
III	GENERAL
IV	RECRUITMENT & SELECTION
V	EMPLOYEE ORGANIZATIONS
VI	EMPLOYEE DEVELOPMENT
VII	WORK PERFORMANCE EVALUATION
VIII	PROMOTIONS
IX	WORK HOURS & WORK WEEK
X	VACATIONS
XI	HOLIDAYS
XII	LEAVE OF ABSENCE WITH PAY
XIII	LEAVE OF ABSENCE WITHOUT PAY
XIV	FAMILY LEAVE
XV	NON-DISCRIMINATION POLICY
XVI	SEXUAL HARASSMENT POLICY
XVII	LAYOFF & REINSTATEMENT
XVIII	DISCIPLINE, DISCHARGE & SUSPENSION
XIX	GRIEVANCE PROCEDURE
XX	RESIGNATION
XXI	PUBLIC CONDUCT OF EMPLOYEES
XXII	SICK LEAVE
XXIII	EARNED PAID LEAVE
XXIV XXIV	INJURY LEAVE
XXV XXV	SALARIES & WAGES
XXVI	EMPLOYEE SERVICES

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FREEPORT PERSONNEL CODE

SECTION I INTRODUCTION

In accordance with Article IV, Section 4.03 of the Town Charter, the Town Council hereby adopts the following Personnel Ordinance for utilization by the Town Manager in the administration of the personnel activities of the employees of the Town of Freeport.

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the people of Freeport. This system shall provide means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring, advancement, training, job classification, salary administration, retirement, fringe benefits, discipline and other related activities. All appointments and promotions in the Town of Freeport shall be made without regard to race, creed, color, sex, sexual orientation or political affiliation. A copy of this Personnel Policy shall be made available to any employee of the Town.

SECTION II RESPONSIBILITY

As outlined by Article IV of the Charter, the Manager or a person appointed by ~~him~~them, shall have the responsibility for administration of the personnel program and make every effort to adequately consider the rights and interests of the Town of Freeport, and shall make periodic reports concerning the administration of the Code to the Town Council.

SECTION III GENERAL

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- A. Application: The following prescribed regulations shall apply to any and all persons in the permanent, full-time employ of the Town of Freeport, except the Town Manager, elected or appointed Boards, Committees and Commissions, employees of the Department of Education, and Employees of the Freeport Community Library
- B. Amendments: The Town Council or the Town Manager may modify and amend the Personnel Code.
- C. Appointing Authority: The appointing authority shall be the Town Manager or a person appointed by ~~him~~ them who shall also be responsible for enforcing the Personnel Code.
- D. Freeport Community Library Board of Directors: The Freeport Community Library Board of Directors shall determine all personnel policies for the employees of the Library in cooperation with the Town Manager and subject to final approval by the Town Council.
- E. Words of the Masculine Gender found in this Code may include the feminine, and words of the singular may include the plural.
- F. Immediate Family: Immediate family is defined to include an employee's spouse, children, mother, and/or father, grandmother and/or grandfather, and brothers and/or sisters.
- G. ~~Police & Dispatch~~-Union: When terms of this Code conflict with terms of the Union Contract, the Union Contract shall supersede this Code.

SECTION IV - RECRUITMENT AND SELECTION

- A. Notice of Vacancy: Except when five (5) or more names are retained on file for ninety (180) days for future vacancies, a notice of vacancy shall be made by placing an advertisement in a local newspaper, by posting notice of the vacancy at the Town

Office, and by any other means that the appointing authority consider appropriate. The vacancy shall not be filled earlier than five (5) days following the first day of publication in a newspaper and the posting of notices at the Town Office.

B. Application for Employment: Application for employment may be made on forms provided by the Town. Resumes, letters of reference, and any other material that is of assistance in determining the applicant's ability shall, at the request of the Town Manager, be included with the employment application.

C. Examinations:

1. When an opening for employment within the Police Department or Highway Department occurs, the applicant shall be required to successfully complete a physical examination by a physician. The cost shall be paid by the Town at a rate equal to the cost of a physical examination for the Police Department.
2. When an opening for employment occurs, the applicant may be required to successfully complete a written, oral, or a performance examination to be determined by the appointing officer. The type and scope of the examination shall be consistent with the characteristics of the job opening and may not include any inquiry into the political or religious affiliations or race of any candidate. All applicants shall be given proper notice if and when an examination is required.

D. Age Limitations for Employment: The minimum age allowed for full-time employment for permanent positions with the Town in all Departments shall be eighteen (18) years of age.

E. Preference for Employment: Preference for employment with the Town shall, whenever practical and all other qualifications are equal, be given to residents of the Town of Freeport.

F. Probationary Period: Any person employed full-time by the Town shall be employed on a probationary status for a period of one year and at the pay rate established for the position. The conduct and work performance of employees on probation shall be subject to review and evaluation at least once in every six months, and if found to be unsatisfactory, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotions shall not be subject to review or appeal.

G. Employment of Immediate Family Members within a Town Department: Members of an immediate family shall not be employed within the same Department. This provision shall not affect any employees of the Town as of the effective date of this Ordinance.

SECTION V -EMPLOYEE ORGANIZATIONS

A. Right to Organize: The Town recognizes the rights of its employees to organize under the Maine Public Employees Labor Relations Law. The provisions of any collective bargaining contract with such an organization shall supersede this Code where such contract provisions are inconsistent with this Code.

B. Prohibited Practices:

1. Employee organizations or their agents shall not restrain or coerce employees to join or not join, or to maintain or terminate membership in any such organization.
2. Since the services provided by the Town Employees are necessary for the public's health, safety, and welfare, no employee organization shall advocate strikes, work stoppages, or slowdowns of its members. Such action shall be considered misconduct and any employee participating in a strike, work stoppage or slowdown may be subject to removal by the Town Manager.

3. No employee organization business will be pursued during normal working hours, except where necessary to represent members involved in grievance or bargaining procedures.
4. No Official or Employee of the Town, other than a member, shall interfere in the administrative affairs of such organizations, and no members of the organization shall interfere with the administrative affairs of the Town.
5. Employees shall be eligible to join an organization pursuant to the provisions of the Municipal Public Employees Labor Relations Act.

| SECTION VI- EMPLOYEE DEVELOPMENT

- A. In-Service Training: The Employees of the Town shall be entitled to participate in any in-service training program sponsored by the Town in order to increase their job performance or positions. The in-service training programs shall be determined and fostered by the Town Manager in cooperation with the Council and Department Heads.
- B. Training Fund: The Town Council may set aside appropriations annually for purposes of financing in-service training programs, schools, or conferences aimed at improving employee performance. The uses of the Training Fund shall be determined by the Town Manager in cooperation with the Department Heads.
- C. Records: A record of each in-service training program, school, or conference attended and completed by any employee shall be kept as part of the employee's personnel record, and such accomplishments by the employee shall be given consideration during promotions procedures.

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SECTION VII- WORK PERFORMANCE EVALUATION

- A. Annual Evaluation: Once every year each Department Head shall evaluate every full-time employee within ~~his~~their Department to determine if each employee is performing ~~his~~their required assignments adequately.
- B. Personnel Director's Responsibility: It shall be the responsibility of the Town Manager, acting as the Town's Personnel Director, to construct the personnel evaluation forms, distribute the forms to the Department Heads, and to place such records on file for reference purposes. It shall also be the Town Manager's responsibility to complete annual evaluation surveys of employees under the Town Manager's direct supervision.

- C. Purpose of Evaluations: The personnel evaluation forms shall be considered by the Town Manager when salary increases, promotions, disciplinary action, rewards, training programs, or any other related personnel action is proposed.

SECTION VIII- PROMOTIONS

- A. Methods of Promotion: Promotions to fill vacancies in positions of greater responsibility shall be made on the basis of merit of past work performance, seniority, achievements in any in-service training programs, initiative and any other relevant considerations. If an examination is required to select a candidate for promotion, the examination material shall be determined by the Town Manager, or Personnel Director, and the candidates shall be given proper notice of the examination. Whenever practical or consistent with the best interests of the Town, preference for promotion within any Department shall be given to an employee of the Department. The Town Manager may, however, open any promotion to any qualified applicants.

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B. Probationary Period: Anyone who is promoted to a higher rank shall complete a six-month probationary period at the base pay rate for the new position and without losing any earned benefits

SECTION IX - WORK HOURS AND WORK WEEK

A. Attendance: Employees shall be in attendance at their places of work in accordance with the rules regarding hours of work, holidays, and leave. All Departments shall keep daily attendance records and shall furnish periodical reports to the Town Manager when requested.

B. The following table shall be a partial work schedule of several Departments of the Town:

<u>Department:</u>	<u>Work Week:</u>	<u>Hours of Operation:</u>
General Administration	37.5 Hours	8:00 A.M. to 4:30 P.M. Monday - <u>Thursday</u> , <u>Tuesday</u> & <u>Thursday</u> ; 8:00 A.M. to 7:00 P.M. <u>Wednesday</u> & 8:00 A.M. to 1:00 P.M. <u>Friday</u>
Police	40 Hours	Irregular 7 Days/Week
Fire	40 Hours	Irregular 7 Days/Week
Highway	40 Hours	6:00 A.M. to 4:30 P.M.

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Monday-Thursday/Summer
6:00 A.M. to 4:30 P.M.
Monday-Thursday;
6:00 A.M. to 10:00A.M.
Friday ~~until Noon~~/Winter

Solid Waste: 394 Hours 8:00 A.M. to 4:00 P.M.
~~Tuesday~~Wednesday-Friday;
9:00 A.M. to 4:00 P.M.
Saturday.

C. Establishment of Hours: The establishment of work hours, work weeks, and other work schedules shall be made and determined by the Town Manager, based upon the recommendations of the Department Heads and the requirement of services, subject to approval by the Town Council.

D. Overtime: Overtime pay is compensation for work in excess of 40 hours per week. The rate of payment for overtime work will be time and one-half for each hour of overtime work put in by the employee. This section applies to hourly workers only.

E. Call Time: Highway personnel will be paid a minimum of three (3) hours for call-back for highway related work.

SECTION X - VACATIONS

A. Vacation Privileges: Vacation privileges are available only to full-time employees of the Town. Each full-time employee shall earn vacation time, with pay, computed on ~~his/her~~their anniversary date, on the following basis:

1. Entitlement - Two Weeks : Upon the completion of your first year through the completion of your fifth year.

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Amended July 1, 2007

2. Entitlement - Three Weeks: Upon the completion of your sixth year through the completion of your twelfth year
3. Entitlement - Four Weeks: Upon completion of your thirteenth year through the completion of your nineteenth year
4. Entitlement – Five Weeks: Upon the completion of your twentieth year and thereafter.
- B. Vacation Schedules: Vacations shall be granted at such time or times that are mutually agreeable to the employees and their Department Heads. An employee's seniority shall be considered by the Department Head with respect to scheduling vacations. The Department Head shall be responsible for designing the vacation schedule so as not to interfere with the work schedule of the Department.
- C. Working Vacations Prohibited: Since vacations are intended as a rest period, no employee shall be allowed to work and be paid double time during his vacation period.
- D. Vacations Not To Accumulate: Vacations shall be taken each fiscal year and accumulation of vacation time into a succeeding year shall not exceed one week, except that the Town Manager may approve a carry over of additional vacation time to a succeeding year due to extenuating circumstances made necessary by work schedules. For termination purposes, vacation time will be accrued at the rate of days earned per month.
- E. Terminal Vacation Pay:
 1. If an employee of the Town retires or resigns voluntarily and is in good standing, ~~he~~they shall be entitled to pay for that portion of the vacation time which has not been expired.

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2. Any employee of the Town who is dismissed or resigns without proper notice ~~shall~~may not be entitled to pay for that portion of the vacation time which has not been expired.
3. Vacation time will be computed on an employee's anniversary date.

SECTION XI - HOLIDAYS

A. Official Legal Holidays: The Official Legal Holidays of the Town of Freeport are as follows:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. ~~Washington's Birthday~~ Presidents' Day
4. Patriot's Day
5. Memorial Day
6. Fourth of July
7. Labor Day
8. Veteran's Day
9. ~~Columbus Day~~ Indigenous People's Day
10. Thanksgiving Day
11. Day After Thanksgiving
12. Christmas Day

B. Entitlement: All Permanent, full-time employees, including Department Heads and those on probation who have served at least thirty (30) days, shall be entitled to receive their regular base pay rate for an official legal holiday.

C. Eligibility for Holiday Pay: In order to be eligible to receive holiday pay, an employee must work the last scheduled departmental work day preceding and the first scheduled work day following the official legal holiday. Exceptions may occur at the discretion of the Town Manager.

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D. Work Required on Holidays: Whenever it is required by the Town that a non-FLSA exempt employee work on a holiday, the employee shall be paid for actual time worked, plus holiday pay at ~~his~~ their regular base rate of pay, ~~exclusive of salaried or clerical employees.~~

E. Holiday During Weekends: Whenever an official legal holiday falls on a Saturday or Sunday, the following Monday or preceding Friday may be declared a holiday by the Town Manager.

SECTION XII- LEAVE OF ABSENCE WITH PAY

A. Professional Leave: The Town Manager may permit a leave of absence with pay to any employee for the following purposes:

1. To attend in-service training schools;
2. To attend sessions, meetings, conferences, or conventions in the employee's job category.

B. Bereavement Leave: An employee may be granted a maximum of five (5) days leave of absence because of death or serious illness in an employee's immediate family. In this case, immediate family includes: spouse, child or parent. In the event of a death of other immediate family members (grandmother, grandfather, brother or sister), an employee may be granted a maximum of three (3) days leave of absence.

C. Jury Leave: An employee called for jury duty shall be excused from work by the Town Manager, and the Town shall pay an employee called for jury duty the difference between his regular pay and his juror's pay upon presentation of an official statement of jury pay received.

SECTION XIII -LEAVE OF ABSENCE WITHOUT PAY

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Amended July 1, 2007

- A. Allowable Purposes: The Town Manager may authorize a leave of absence upon written request and approval by the Department Head for maternity, educational, reserve training, or other justifiable purpose.
- B. Suspension of Vacation Time, Sick Leave and Pay: Vacation time, sick leave and pay shall not accrue to any employee granted a leave of absence without pay during the time of the leave of absence.
- C. Suspension of Sick Leave: No employee shall be paid for any earned sick leave nor shall sick leave accrue during the time of the leave of absence.
- D. Health Benefits: Health benefits will be paid for by the Town, at the customary rate, during long periods of illness.

SECTION XIV -FAMILY LEAVE OF ABSENCE

- A. Family medical leave is granted to all employees under the guidelines established by the statutes of the State of Maine and the United States.
- B. Policy: Employees who have worked for the Town for at least twelve (12) months and at least 1250 Hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave (F.M.L.A. Leave) for the following reasons:
 - 1. Birth and or care of a child of the employee
 - 2. Placement of a child into the employee's family by adoption or by foster care arrangements
 - 3. Care of the employee's spouse, child or parent who has a serious health condition; or
 - 4. Inability of the employee to perform the functions of the employee's position due to a serious health condition

SECTION XV -NON-DISCRIMINATORY POLICY

Any employee of the Town of Freeport who believes that ~~she or~~ she ~~they~~ have ~~has~~ been discriminated against in employment in any way (including harassment of the denial of any employment benefit) on the basis of race, color, religion, national origin, ancestry, age, sex, physical or mental disability, veteran's status, status as a whistleblower, sexual orientation (defined by the Maine Human Rights Act as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression), or any other status protected by law, should file a complaint with the personnel ~~manager~~ or his or her ~~their~~ designee. The Town of Freeport takes allegations of discriminatory treatment very seriously. The Town of Freeport will investigate every allegation of discrimination promptly and take whatever action is necessary to stop unlawful discrimination and remedy any effects of unlawful discrimination

SECTION XVI -SEXUAL HARASSMENT POLICY

It is illegal for any employee to sexually harass another employee and for any supervisory employee to permit any act of sexual harassment in the workplace by anyone, whether or not an employee

SECTION XVII -LAYOFF AND REINSTATEMENT

- A. Layoffs: The Town Manager, subject to approval by the Council, may reduce the work force whenever it becomes essential due to lack of funds or work, or due to other reasonable or justifiable causes.

B. Order of Layoffs and Reinstatement: The order of layoffs shall be:

1. Probationary Employees
2. Part-time Employees
3. Full-time Employees

The full-time employees shall be laid off in accordance with their seniority of employment and performance evaluations. The reverse order of layoff shall be used when reinstating employees. The Town Manager, however, has the right to retain or reinstate key employees out of the normal order of layoff or reinstatement as mentioned above.

C. Notice of Layoff and Reinstatement:

1. A notice shall be given to each employee scheduled to be laid off seven (7) days prior to the effective layoff date.
2. A notice to return to work shall be sent to each employee by Certified Mail at least three (3) days before the date of the re-employment. An employee must return at the appointed time, unless special arrangements have been made with the Department Head to return at some other date. Failure by the employee to report for work or notify the Department Head shall be considered as termination of employment.

| SECTION XVIII -DISCIPLINE, DISCHARGE AND SUSPENSION

A. Authority: The Town Manager shall have the right to discipline any municipal employee whose work performance or conduct justifies such action. Discipline may include reprimand, suspension, or removal. Any reference to cause and hearing does not apply to probationary employee as defined in State Law.

B. Causes of Disciplinary Action: The following shall be considered cause for disciplinary action:

1. Failure to follow orders of one's supervisor, Department Head, or Town Manager;
2. Being absent or tardy;
3. Failure to perform assigned work in an efficient manner;
4. Willful misuse, theft, destruction or conversion of Town property for personal use;
5. Indictment or conviction of a felonious crime;
6. Use of an alcoholic beverage or unlawful use of a drug when reporting for work or while on the job;
7. Inability to get along with fellow employees so that required levels of work are hindered or not met;
8. Inappropriate public conduct as outlined in Section XVIII;
9. Other causes as determined by the Town Manager.

C. Notice of Disciplinary Action: Prior to the imposition of disciplinary action, employees shall be given an opportunity to refute the charges against them except in those situations which require immediate action. Notice of disciplinary action against an employee must be in writing and received by the employee no later than five (5) working days prior to the effective date of the action. The notice shall specify the penalty and contain a statement of the reason or reasons for the action taken against ~~him~~them.

D. Employee's Right to Appeal: A permanent employee of the Town, except the Town Clerk, Treasurer, Tax Collector, Assessor, and Department Heads shall have the right to appeal any disciplinary action to the Personnel Grievance Board. A written request for a hearing before the Personnel Grievance Board shall be filed with the Town Manager before the disciplinary action becomes effective. The Town Manager shall request a convening of the Personnel Grievance Board in accordance with Section XVI-XIX(3) within ten (10) working days of the request for a hearing, and advise the employee and his

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their Department Head of the time and place for the scheduled hearing. Both parties shall have the right to be represented by counsel and to present witnesses.

The Town Clerk, Treasurer, Tax Collector, Assessor, and Department Heads shall have the right to confirmation of any disciplinary action by the Town Council. A written request for confirmation shall be filed with the Town Manager before the disciplinary action becomes final. The Town Manager shall schedule a hearing before the Town Council as soon as the Council's schedule permits.

E. Result of Appeal: The finding and decision of the Personnel Grievance Board shall be preserved by its Chairman and written notice of the findings and decisions shall be final. The findings and decisions shall be sent to the Town Manager, Department Head and employee. Any employee who successfully appeals his their case shall be reinstated to ~~his~~their job without loss of pay, seniority, or other benefits.

SECTION XIX - GRIEVANCE PROCEDURE

Grievances, which for the purposes of this Code are defined as disputes with respect to the interpretation or application of the specific terms of this Code, shall be processed in the following manner:

1. An employee who believes ~~he~~they ~~has~~have a grievance shall first present the grievance, in an informal manner, to ~~his~~their immediate supervisor or Department Head within three (3) days of its occurrence. If the grievance is not resolved to the satisfaction of the employee within three (3) working days, the employee may, within three (3) working days thereafter, reduce the grievance to writing and request the Department Head to render a written decision on the grievance. The written grievance shall contain a concise statement of the events

allegedly giving rise to the grievance, the specific section of this Code alleged to be violated, all evidence available in support of the alleged grievance, a statement as to when the grievance arose, became known, or should have become known to the employee, and a statement of the relief requested. Upon receipt of a grievance in writing, the Department Head shall respond in writing to the employee within seven (7) working days.

2. If the grievance is not resolved to the satisfaction of the employee, the employee may, within five (5) working days of the date of the written decision of the Department Head, or within twelve (12) working days of the submission of the grievance in writing, request a review of the grievance by the Town Manager. The Town Manager shall arrange, at the earliest possible time, for a hearing of the grievance which shall include the aggrieved employee and ~~his~~ their Department Head, and which may include the calling of witnesses who may have knowledge of the grievance. The Town Manager may discuss a grievance with the Department Head at any time prior to the hearing. The Town Manager shall conduct the hearing and respond in writing to the employee and the Department Head within seven (7) working days following the adjournment of the hearing.

3. If, following hearing and decision by the Town Manager, an employee believes that the grievance is still not resolved satisfactorily, the employee may, within five (5) working days of receipt of the decision of the Town Manager, appeal the grievance in writing to the Personnel Grievance Board. The Personnel Grievance Board consists of three (3) members, appointed by the Town Council. One member to represent employees, one member to represent the employer and the third member to represent the public, who shall be Chairman of the Personnel Grievance Board. The employee representative shall be appointed from a list of ten (10) persons submitted by the employee and ~~his~~ their equals within ~~his~~ their department, and the employer representative shall be appointed from a list of ten

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(10) persons submitted by the Town Manager. Upon receipt of the employee request, the Town Manager shall, within ten (10) working days, request the scheduling of an administrative hearing with the Personnel Grievance Board, which shall include the aggrieved employee, the Department Head and the Town Manager. The Personnel Grievance Board shall render its decision in writing within five (5) working days of the completion of the administrative hearing. The decision of the Personnel Grievance Board shall be final with regard to the employee's grievance.

4. All grievances shall be filed and appealed within the time limit set forth above or they shall be deemed waived; provided, however, that the time limits may be extended by mutual agreement.

SECTION XX - RESIGNATION

A. Sufficient Notice: To resign in good standing, full-time employees shall submit resignations in writing at least ten (10) working days in advance of the effective date of their resignation.

B. Quitting Without Notice: Any employee who quits without notice ~~shall~~ may lose all rights and benefits granted by this Code.

SECTION XXI- PUBLIC CONDUCT OF EMPLOYEES

A. Political Activities: While employed by the Town of Freeport, employees shall refrain from seeking or accepting nomination or election to any office in Town Government, and from using their influence in any way for or against any candidate for elective office in the Town Government. This shall not prevent Town Employees from becoming or continuing to be members of any political organization, from attending political organization

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- meetings, from expressing their views on political matters, signing petitions, or from voting with complete freedom in any election.
- B. Conflict of Interest: No employees of the Town shall have any financial interest in or profit from any contract, service, purchase, sale, or work performed by the Town, unless otherwise provided for by the Town Council.
- C. Outside Full-Time Employment: No full-time employee of the Town shall engage in additional full-time employment outside the hours of his regular hours of municipal work, unless due notification is supplied to the appropriate Department Head or to the Town Manager.
- D. Employee Conduct: Town employees shall not use obscene, uncivil, boisterous language while on duty or in any contact with any member of the public, nor shall they incite an altercation under any circumstances.

SECTION XXII -SICK LEAVE

- A. Basic Number and Total Accumulation: Each full-time, continuous employee shall be entitled to one day per month of regular employment to be used as paid sick leave. Each full-time, continuous employee shall have one hour for every forty hours worked transferred from sick time to earned paid leave time (see Section XXIII).
Sick leave shall be cumulative as follows:
Up to nineteen (19) years of employment - one hundred and twenty days (120) days;
20 years employment - one-hundred fifty (150) days;
30 years employment - one-hundred eighty (180) days.
- B. Regulations and Conditions:

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1. Paid sick leave may be granted only by the Town Manager, subject to the recommendation of the Department Head, to an employee who is unable to perform the duties of ~~his~~their position on account of personal illness or physical incapability. If requested by the Town Manager, a certificate from a physician shall be furnished by the employee to the Town Manager.

2. An employee must notify ~~his~~their Department Head or the Town Manager at least twenty-four (24) hours prior to a planned sick leave for medical purposes or as ordered by a physician. In case of sickness, emergency hospitalization, or a situation that prevents an employee from making an advanced notification, a member of the employee's family shall notify the Department Head or Town Manager as soon as is practical.

C. Ineligible Conditions:

1. Sick leave shall not be used as vacation time, but vacation time may be used as sick leave if desired by the employee.

2. Upon termination in good standing or retirement, an employee shall receive pay for ~~his~~their accrued and unused sick leave as follows:
employed less than two years - none
employed from 2 through 10 years - one fourth (1/4)
employed from 11 through 15 years - one third (1/3)
employed 16 or more years - one half (1/2)

3. An employee may use up to three (3) sick leave days per year to care for a member of ~~his~~their immediate family (son, daughter, husband, wife, mother, father).

4. An employee may use up to three (3) sick leave days per year for personal reasons.

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Amended July 4, 2007

5. An employee may donate up to three (3) sick leave days per year to a sick leave bank. The bank may be used on an as-needed basis and only for major illnesses.

SECTION XXIII - EARNED PAID LEAVE

A. Basic Number and Total Accumulation: Each full-time, continuous employee shall have one hour for every forty hours worked designated from sick time to earned paid leave (EPL) time. Each part-time eligible employee shall earn one hour of earned paid leave for every forty hours worked. EPL does not entitle a full-time continuous employee to any additional hours than already allocated in their sick accrual.

EPL shall be cumulative as follows:

No more than forty (40) hours of EPL will be accrued during any one calendar year. Employees with accrued and unused hours of EPL from the previous year will have those unused EPL hours available for use in the next calendar year, up to a maximum of forty (40) hours. At no time may an employee have more than 40 hours of EPL accrued or continue to accrue EPL so their accrual exceeds forty (40) hours, or use more than forty (40) hours of EPL in any given calendar year.

B. Regulations and Conditions:

1. EPL can be used for any purpose.
2. EPL may be granted only by the Town Manager, subject to the recommendation of the Department Head, to any eligible employee who has been employed with the Town for more than 120 days.
3. An employee shall give reasonable notice to their supervisor of their intent to use EPL prior to a planned leave. Written

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Amended July 1, 2007

documentation may not be required unless over three consecutive days, but does require a general description, i.e. illness, vacation, transportation issue, etc.

4. EPL can be used in increments of one hour. The Town may require that EPL be used if the employee takes a planned absence, or if the employee is out due to an emergency, illness, or sudden necessity.
5. The Town may deny a requested date of use if it significantly impacts departmental operations.
6. EPL does not have a cash value and will not be paid out at termination of employment. Any employee who returns to work for the Town within a one-year period of the last day of previous employment will have any unused balance reinstated.

Refer to the Earned Paid Leave Policy and Procedure Document for further guidance.

SECTION XXIV INJURY LEAVE

- A. **Requirement:** All injuries sustained in the course of regular Town work shall be immediately reported to the employee's Supervisor or Department Head as a requirement for leave or compensation.
- B. **Compensation:** Injury leave compensation shall be paid to the employee through a combination of Workmen's Compensation Insurance, and with supplementation from the Town in such a manner that the employee shall receive ~~his~~ their basic weekly wage for a period of time not to exceed accumulated sick leave.
- C. **Eligibility:** Injury leave is only applicable to an injury sustained by an employee while engaged in Town work. In such instances, sick leave will only be charged for the amount of supplementary payments made directly by the Town.

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| SECTION XXIV SALARIES AND WAGES

A. Comprehensive Pay Plan: The Comprehensive Pay Plan shall be instituted by the Town Manager and shall include a Position Classification System and Compensation Plan. The Town Council shall be notified by the Town Manager of any changes made to the Position Classification System and Compensation Plan prior to such changes being effective.

1. The Position Classification System shall serve as a narrative description of the duties and responsibilities required by each full-time position within the Town Government. Each class of positions shall be arranged on the basis of similarity, subject matter, level of difficulty and responsibility, and shall serve as a foundation for the Compensation Plan.

2. The Compensation Plan shall be a basic salary schedule of pay ranges, and shall use the Position Classification System for determining the minimum and maximum rates of pay and intermediate steps for all full-time positions. The rate of each range shall serve as a numerical benchmark that reflects fairly the difference in duties and responsibilities, and shall be related to compensation for similar positions in the other places of public and private employment.

| SECTION XXVI EMPLOYEE SERVICES

A. Retirement System: The Town of Freeport is a participating member of the International City Managers Association Retirement Plan (ICMA). Beginning July 1, 1985, the Town will match employee contributions up to 5% of an employee's income. Beginning July 1, 1986, the Town's matching contribution will increase to 6%. Beginning January 1, 1990, the Town's matching contribution will increase to 8%. Beginning July 1, 2000 the

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Amended #474-20071

Town's contribution will increase to 10% and the employee's matching contribution will be 7%.
Beginning July 1, 2003 Employees may choose between joining ICMA or the Maine State Retirement System (MSRS).

- B. Social Security: In addition to the International City Managers Association (ICMA), and Maine State Retirement System (MSRS) the Town of Freeport participates jointly with employees in Social Security Payments.
- C. Group, Hospital, Surgical and Major Medical Insurance: The Town of Freeport shall maintain in force Medical Insurance Plans offered by the Maine Municipal Employee's Health Trust. For employees hired after 1-1-99, the employee shall pay 10% of a single premium, 20% of the employee/dependent premium, and 25% of the family premium
- D. Dental Plan: The Town of Freeport shall maintain in force the present or equal dental insurance plan. The Town will pay the full cost of a single subscription under the plan.

DEPARTMENT HEAD BENEFIT PLAN

- 1. Vacations - Three (3) weeks after 5 years; Four (4) weeks after 10 years; Five (5) weeks after 20 years.
- 2. Professional Development Program - The Town will assume the cost of one college course per semester per employee based on the per credit cost of the University of Southern Maine.
- 3. Any employment agreement negotiated with a Department Head at his/her time of hire will supersede this Code.
- 4. Retiree Health Savings Plan - Upon reaching the age of 60 or retirement whichever occurs last and with 20 years of continuous service, the Town will deposit annually an amount equal to

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Amended July 1, 2007

43.5% of an individual or family health insurance premium in an RHS account. The family health insurance plan premium will only be paid if all covered by the family plan are retired. Premium reimbursement will be on the Town's health plan premiums or premiums of another provider, whichever is lower. Contributions will terminate when a retiree reaches the age of 65.

For those Department Heads eligible for the State of Maine or any other retiree health plan the Town will pay the difference, if any, of bringing the total constitution up to 43.5% of the health insurance premium.

Effective January 1, 2021~~007~~